Civil Misc. App. No.42/2005
Ranveer S. @ Raghuveer ***Versus Satya Prakash*** & Ors.

Date of Order ::: 18/08/06

Hon'ble Mr. Justice Ajay Rastogi

Mr. B.C.Dhakar for Mr. Jitendra Mitruka for appellant (Claimant)

Instant appeal has been filed for enhancement of compensation of Rs.24,785/- awarded by Motor Accident Claims Tribunal, (ADJ No.1) Bayana (Bharatpur) vide Award dt.09/09/04 in MAC No.165/99.

Appellant (claimant) aged 21 years who was running shop of spare parts, met with an accident on 04/12/98. As alleged in claim petition, he was earning monthly income of Rs.10,000/-. There was no certificate of permanent disability placed on record and because he sustained only three injuries out of which as per injury reports (Ex.3 & 4), one was opined to be grievous and two of simple in nature. Hence taking note of totality of facts on record, learned Tribunal awarded compensation of Rs.24,785/- (including Rs.12,900/- as expenses incurred by claimant in surgical operation as is evident from Ex.15, and Rs.4885/- for expenses of medicines incurred vide Ex.16 to 24, Ex.28, Ex.30 to 31 along with 9% per annum from the date of claim petition vide impugned Award. Hence this appeal.

Counsel for appellant submits that loss of future income which the claimant has suffered on account of injuries sustained and so also for loss of income suffered during the period when he remained hospitalised; as a consequence of accident in question, has not been considered by learned Tribunal as such what has been awarded by Tribunal is much on

lower side and requires interference.

I have considered contentions of Counsel for appellant and with his assistance, examined material on record. There is no material placed on record to show about his profession or running any kind of shop as alleged in claim petition and as also income therefrom as pleaded in claim petition. That apart, as regards permanent disability, no certificate has been placed on record; as such based on 2nd Schedule appended to the Motor Vehicles Act, learned Tribunal awarded Rs.5,000/- for one grievous injury and Rs.1,000/- each of two simple injuries mentioned in injury reports (Ex.3 & 4). After taking note of nature of injuries and so also totality of facts on record, the Tribunal considered to award compensation of Rs.24,785/-, which also carries interest @ 9% p.a., from date of claim petition. In absence of material it was difficult for the Tribunal to consider with regard to loss of income allegedly caused to claimant due to three injuries sustained in the accident in question. I do not find any error in the finding recorded by the Tribunal, which is duly supported by material on record. In my opinion, what has been awarded in facts & circumstances in instant case, to the claimant injured, being just does not require interference. Consequently, this appeal fails and is hereby dismissed in limine.

(Ajay Rastogi), J.

K.Khatri/42CMA2005.